PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW. 8 LCR. 76.

Bangalore dated 26th March 1976.

Ordered that the Bounded Labour System (Abolition) Rules, 1976 published in Part II, Section 3 of the *Gazette of India*, Extraordinary dated 28th February 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka.

B. NAGESHA RAO,
Under Secretary to Government,
73 *Department of Law and Parly. Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 28th February 1976

G. S. R. 99(E)—In exercise of the powers conferred by sub-section (1), read with sub-section (2) of section 26 of the Bonded Labour System (Abolition) Act, 1976 (19 of 1976), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement—(1) These rules may be called the Bonded Labour System (Abolition) Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);

(b) "District Vigilance Committee" means a Vigilance Committee constituted for a district under sub-section (1) of section 13;

(c) "section" means a section of the Act;

(d) "Sub-Divisional Vigilance Committee" means a Vigilance Committee constituted for a sub-division under sub-section (1) of section 13.

3. Term of Office, and vacation of seat, of members of District Vigilance Committee.—(1) Every member, of a District Vigilance Committee, nominated under clauses (b), (c), (d) and (e) of sub-section (2) of section 13 shall hold office for a period of one year from date on which his nomination is notified in the Official Gazette and shall, on the expiry of the said period, continue to hold office until his successor is nominated and shall also be eligible for renomination.

(2) Every member referred to in sub-rule (1)—

(a) may, by giving notice in writing to the authority which nominated him, resign his office and, on such resignation being accepted, shall be deemed to have vacated his office;

(b) shall be deemed to have vacated his office—

(i) if he fails to attend three consecutive meetings of the District Vigilance Committee without obtaining leave of the Chairman of such absence:

Provided that the authority, which nominated him may, if it is satisfied that such member was prevented by sufficient cause from attending the three consecutive meetings of the Committee, restore him to membership;

(ii) if he becomes subject to any of the following disqualifications, namely :—

(1) is adjudged insolvent;

(2) is declared to be of unsound mind by a competent court;

(3) is convicted of an offence which, in the opinion of the authority, which nominated him, involves moral turpitude;

(c) may be removed from office, if the authority, which nominated such members, is of the opinion that such member has ceased to represent the interest to represent which he was nominated:

Provided that a member shall not be removed from office under this Clause unless a reasonable opportunity is given to him for showing cause against such removal.

(3) A member, nominated to fill a casual vacancy shall hold Office for the unexpired portion of the term of his predecessor.

4. Term of office and vacation of seat, of members of sub-Divisional Vigilance Committees.—(1) Every member, of a Sub-Divisional Vigilance Committee, nominated under clauses (b), (c), (d) and (e) of sub-section (3) of section 13 shall hold office for a period of one year from the date on which his nomination is notified in the Official Gazette and shall, on the expiry of the said period, continue to hold office until his successor is nominated and shall also be eligible for re-nomination.

(2) Every member referred to in sub-rule (1)—

(a) may, by giving notice in writing to the authority, which nominated him, resign his office and on such resignation being accepted, shall be deemed to have vacated his office;

(b) shall be deemed to have vacated his office—

(i) if he fails to attend three consecutive meetings of the Sub-Divisional Vigilance Committee without obtaining leave of the Chairman of such Committee for such absence:

Provided that the authority which nominated him may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee restore him to membership;

(ii) if he becomes subject to any of the following disqualifications, namely :—

(1) is adjudged insolvent;

(2) is declared to be of unsound mind by a competent court;

(3) is convicted of an offence which, in the opinion of the authority, which nominated him, involves moral turpitude;

(c) may be removed from office, if the authority which nominated such member, is of the opinion that such member has ceased to represent the interest to represent which he was nominated;

Provided that a member shall not be removed from office under this clause unless a reasonable opportunity is given to him for showing cause against such removal.

(3) A member nominated to fill a casual vacancy shall hold office for the un-expired portion of the term of his predecessor.

5. Prescribed authority under sub-section (6) of section 6.—An application under sub-section (6) of section 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made to the Executive Magis-

trate, on whom the powers of a Judicial Magistrate of the first class or of the second class have been conferred under sub-section (1) of section 21, and within the local limits of whose jurisdiction the said property is, or the applicant has reason to believe is situated at the time of making the application :

Provided that where there are two Executive Magistrates, on one of whom the powers of a Judicial Magistrate of the first class and on the other the powers of a Judicial Magistrate of the second class have been conferred under sub-section (1), of section 21 having jurisdiction to entertain the application for restoration of possession of property referred to in sub-rule (1), the application shall be made to the Executive Magistrate on whom the powers of a Judicial Magistrate of the second class have been conferred.

6. **Time within which an application under sub-section (6) of section 6 is to be made** - An application under sub-section (6) of section 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made within a period of ninety days from the date on which these rules come into force.

7. **Records to be maintained by District Vigilance Committees to ensure the implementation of the provisions of the Act and Rules**- In order to ensure the implementation of the Act and the Rules, every District Vigilance Committee shall maintain the following registers in respect of freed bonded labour within the local limits of its jurisdiction, namely :—

(a) a register containing the names and addresses of freed bonded labour;

(b) a register containing statistics relating to the vocation, occupation and income of every freed bonded labour;

(c) a register containing details of the benefits which the freed bonded labour are receiving benefits in the form of land, inputs for agriculture, training in handicrafts and allied occupations, loans at differential rates of interest or employment in urban or non-urban areas;

(d) a register containing details of cases under sub-section (6) of section 6, sub-section (2) of section 8, sub-section (2) of section 9, section 16, section 17, section 18, section 19 and section 20.

[No. M-13011/7/75-AL-Part. III]

D. BANDYOPADHYAY, Jt. Secy